

TENNESSEE GENERAL ASSEMBLY
FISCAL REVIEW COMMITTEE



**CORRECTED
FISCAL NOTE**

HB 2332 - SB 3175

March 26, 2012

SUMMARY OF BILL: Limits the authority of an agent of the Tennessee Wildlife Resources Agency (TWRA), when conducting a warrantless search to ensure compliance with game and fish laws, to determining if a person who is engaged in the taking or possessing of wildlife or who is in possession of wildlife has a proper license.

ESTIMATED FISCAL IMPACT:

On March 12, 2012, a fiscal note was issued estimating a fiscal impact as follows:

*Decrease State Revenue – \$31,800/Department of General Services
\$73,900/Wildlife Resources Fund*

Decrease Local Revenue - \$575,900

Due to incomplete information, this impact was in error. Based on additional information provided by the Department of General Services (DGS), the estimated fiscal impact is:

(CORRECTED)

Decrease State Revenue - \$105,700/Wildlife Resources Fund

Decrease Local Revenue - \$575,900

Assumptions:

- Currently, every person participating in taking or possessing wildlife is required to submit to an inspection by any TWRA officer to ensure that such person is in compliance with all fish and game regulations and laws. Failure to submit to a search is a Class C misdemeanor punishable by a fine only of \$25 to \$50.
- In FY10-11, TWRA collected \$148,000.
- According to TWRA, the Agency issued 5,200 citations in FY10-11.
- Approximately 25 percent (or 1,300) resulted in no fine revenue to TWRA or local court costs for local governments.
- The remaining 3,900 citations generated an average fine of \$37.95 (\$148,000 / 3,900).
- Limiting TWRA officer inspections to licenses only will result in a recurring decrease in the number of citations issued which generate fine revenue.

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- The number of citations issued for which fine revenue is collected will be reduced by approximately 70 percent, or 2,730 citations.
- Of the average \$37.95 fine, \$25 is allocated to TWRA; thus, the recurring decrease in state revenue to the Wildlife Resources Fund is estimated to be \$68,250 (2,730 x \$25).
- The remaining portion of fine revenue, or \$12.95 (\$37.95 - \$25), is allocated to local governments; thus, the recurring decrease in local fine revenue is estimated to be \$35,354 (2,730 x \$12.95).
- According to TWRA, the average local court cost per violation is \$198; thus, the recurring decrease in local court fee revenue is estimated to be \$540,540 (2,730 x \$198).
- The total recurring decrease in local revenue is estimated to be \$575,894 (\$35,354 + \$540,540).
- Hunting equipment labeled as contraband, as seized by TWRA, is either destroyed or sold by the DGS at auction pursuant to Tenn. Code Ann. § 70-6-201 (c)(2).
- According to DGS, sales of contraband hunting equipment last year totaled \$53,478. One hundred percent of this revenue is remitted to the Wildlife Resources Fund.
- It is estimated that the proposed legislation will reduce the amount of contraband available for sale by 70 percent; thus, a total recurring decrease in revenue of \$37,435 (\$53,478 x 70.0%) to the Wildlife Resources Fund.
- The total recurring decrease in state revenue to the Wildlife Resources Fund is estimated to be \$105,685 (\$68,250 + \$37,435).

CERTIFICATION:

The information contained herein is true and correct to the best of my knowledge.



Lucian D. Geise, Executive Director

/jdb